

## PLANNING COMMISSION MINUTES

April 5, 1994

Present: Chairman Mark Green, Dick Dresher, Mick Johnson, Don Milligan, Jeff Chretien, Kathi Izatt; Barbara Holt, City Council Representative; Jack Balling, City Engineer; Blaine Gehring, Planning and RDA Director; Shirley Chevalier, Recording Secretary

Excused: Mike Homes, Elaine McKay

The minutes of March 15, 1994 were corrected as follows: page 3, 15-13-108 should have been 1413-108; unanimously approved as corrected.

Mr. Gehring stated that on two items before City Council on April 6th, City Attorney Russell Mahan wrote memos opposing the recommendations from the Planning Commission. On the rezone of the Randall property at 404-406 West 2700 South, it is a spot zone and he is opposing it on that basis. Secondly, we cannot separate the R-1-12(i:) zone at Bountiful Boulevard and have two separate standards for side yards. The motion that came from the Planning Commission still had 8 ft. and 20 ft. side yards above Bountiful Boulevard and 8 ft. and 18 ft. below. Mr. Mahan and Mr. Gehring are recommending that City Council amend that recommendation and make all of the R-1-12(i:) zone 8 ft. with a combined 18 ft. side yards.

### CONDITIONAL USE PERMITS

4-5-94.4 94-4C Burt Brothers Tires, 2885 South Main; Badham & Assoc., Rep.

The owners of Burt Brothers Tires want to build a tire warehouse and office, along with 18 self-storage units behind their existing building. They have been storing tires in two trailers and the lot is weedy. This would eliminate the trailers and the weeds. The storage units will not increase traffic and would be convenient for several apartment complexes in the immediate area.

There is a 15 ft. easement along the back of the property that will be landscaped with trees which will provide a nice buffer for the apartments to the east. Staff recommends approval of the Conditional Use Permit subject to the submittal and preliminary and final approval of the site plans per city requirements.

Jeff Chretien made a motion to grant a Conditional Use Permit for the tire warehouse and office, and 18 self storage units at 2885 South Main Street, subject to approval of the preliminary and final site plans; Barbara Holt seconded the motion. The motion was unanimously approved.

4-5-94.5 Preliminary approval of The Lakes of Country Springs, Planned Unit Development, 1800 N. 200 W., Ronn Marshall, Developer

Mick Johnson excused himself from this item.

Planned Unit Developments must now receive a three-part approval before a Conditional Use Permit is granted and final subdivision approval sent to City Council. This development received a conceptual approval on November 2, 1993. Preliminary approval is the second step.

Originally the developers, in the conceptual approval step, showed plans for the entire property. However, under the new ordinance all phases must be completed within two years. They now feel that anything larger than the proposal tonight consisting of 68 units, could not be completed within that two year period. They will submit other development plans as they proceed.

A Planned Unit Development must also meet the requirements of Chapter 7, Incentive Density Bonus. The developers feel that some of these requirements are too restrictive or impossible to meet, as follows:

1. One approved tree per 525 sq.ft. of landscaped area. (Mick Johnson said the present landscape plan shows 192 trees; the ordinance would require 172 more.)
2. One approved tree per 300 sq. ft. of buffer areas adjacent to streets and parking areas.
3. Exteriors shall be 100% maintenance free wall material such as high quality brick, natural stone and weather resistant stucco or masonite type material (stucco or masonite not to exceed 30% of area) shall be used. (Mr. Marshall said they felt the ordinance was starting to become an architectural control committee).
4. Roofing materials shall be 30 yr. or better, such as architect grade asphalt shingles, fire treated wood, clay or concrete tile, slate or quality metal roofs.
5. Air conditioning efficiency EER above 10.5.
6. Double glazed windows web thermal break frames with low E glazing.
7. High efficiency (90% efficient min.) condensing type furnace with night programmable thermostat.

Mr. Gehring has asked Mick Johnson and Dick Dresher, both Planning Commission members, to look at these requirements to see if they are too restrictive and how they could be amended. Mr. Dresher is an architect and Mr. Johnson is a landscape architect. They will report to the Planning Commission in two weeks. This is a preliminary approval for this plan and is not an ordinance discussion tonight. The Planning Commission can either table this Rem until we amend this ordinance, or grant preliminary approval subject to the developers meeting all of the changes in the ordinance, if any, when they bring in their final plans. Mr. Gehring also mentioned that the ordinance requires 2 amenities for projects web 40 or more units, and asked if the Planning Commission felt one tennis court and jogging paths around the detention ponds meet that requirement.

Mr. Marshall said this project is planned for "empty nesters", and the amenity fees are a big concern for people. They are not anxious to have swimming pools and playgrounds. This project is intended to provide a maintenance free, simple community. Their long term plan is to build a small clubhouse associated with an open area for a picnic/park type atmosphere web walking paths for the people they want to target. They plan to enclose the project web a decorative fence

and security gates.

City Engineer Jack Balling has reviewed the preliminary drawings and makes the following corrections for final she plan review:

1. The streets should be 30 ft. wide back to back of curb to accommodate this she development;
2. Design and calculations for handling drainage both entering and leaving the property needs to be submitted as part of the final design;
3. Final eke plans must conform to all the requirements of the site plan ordinance.

There is no staff recommendation at this time until the items in Chapter 7 have been reviewed and amended. The development as presented does not meet the ordinance standards and should not receive preliminary approval at this time until the standards are met, either through amending the ordinance or the developer upgrading his proposal. He noted that one stipulation should be placed on any approval when made that the remainder of the land which received conceptual approval must go through the preliminary and final approval stages before being granted conditional use status. This proposal's approval will only be for the land included within its description.

Mr. Gehring said he wanted some things left in the ordinance for 3-unit densely. He would like to separate the Planned Unit Development totally from any incentive and write a separate design package, either leaving a in the Incentive Density Bonus chapter or move a into the PUD section.

Don Milligan made a motion to recommend preliminary approval of the Lakes of Country Springs Planned Unit Development, 1800 North 200 West, subject to, A - the 3 recommendations of staff as outlined above, B- wan the stipulation that the remainder of the land which received conceptual approval must also go through the preliminary and final approval stages, and C - subject to either a change in the ordinance or compliance with the existing ordinance at the time of the final approval; Jeff Chretlen seconded the motion which was approved by majority vote (Mick Johnson has been excused from this item.)

## SUBDIVISIONS

4-5-94.6 Preliminary and Final Approval of a Two lot Subdivision, 2251 South Main, Violet Bryson, Owner

Mrs. Bryson received a Conditional Use Permit on January 4, 1994 to create a flag lot behind her home. The problem at the time was the remaining lot width proposed at 70 feet. The ordinance has since been amended to allow for 70 ft. widths on single family homes In R-3 zones which allows the lot split and creation of the flag lot.

Staff recommends preliminary and final approval subject to the following conditions:

1. A 7 ft. utility easement along the frontage of both lots on Main Street;
2. Utility easements as required by power and telephone companies;

3. Payment of Davis County storm detention fee for the flag lot in the amount of \$514.00;
4. Payment of a development fee of \$30.00 for the flag lot;
5. Submission of plans and site plan as required before issuing a building permit.

Mrs. Bryson said the buyer of the lot does not want to build for a year, so he won't be submitting his plans for a building permit any time soon. It was decided that item 5 could be omitted from the conditions as far as approving the subdivision. The approval is good for one year and Mrs. Bryson can pay the fees any time within the year.

Jeff Chretlen made a motion to recommend preliminary and final subdivision approval for the two-lot subdivision at 2251 South Main Street, subject to the recommendations as outlined by staff with the exclusion of item #5 pertaining to the submission of plans and she plan requirement; seconded by Dick Drescher; the motion was approved by majority (Mick Johnson had not rejoined the Planning Commission.)

#### 4-5-94.7 Preliminary and Final Subdivision Approval of a Two-lot Subdivision at 190 East 1100 South, Daniel Frederickson, Owner

This property has 140 ft. of frontage on 1100 South Street and the owner would like to divide the property into two 70 ft. wide lots. There is a home on one of the lots and the other lot will be developed as a building lot. Staff recommends approval subject to the following conditions:

1. Payment of a \$560.00 storm detention fee;
2. Payment of a \$30.00 checking fee;
3. Provide 7 ft. wide utility easements at the front and rear of the property;
4. Record the survey with the County Surveyor's office.

Jeff Chretien made a motion to recommend approval of subdividing the lot at 190 East 1100 South as a building lot subject to the four requirements specified by staff; seconded by Kathi Izatt; motion carried by majority (Mick Johnson had not rejoined the Planning Commission.)

#### 4-5-94.8 Conceptual and Preliminary Subdivision Approval of a 47 Lot Subdivision, 750 East 2400 South, Keith Stable, Owner - Clark Jenkins, Developer

This property is in the R-1-12 foothill zone consisting of 38.74 acres. The proposed development contains 48 single family lots with a minimum lot size of 16,000 sq. ft. and 100 ft. minimum lot width. This was reviewed by City Engineer Jack Balling who recommends conceptual and preliminary approval subject to the following conditions:

1. Grant exception to 1250 ft. of street frontage with fills in excess of 10 ft. (18% of frontage);
2. Grant exception to 800 ft. of street frontage with cuts in excess of 10 ft. (12% of frontage);
3. Grant exception to 300 ft. of street grade In excess of 12% grade (9% of streets);
4. Lots 33, 34 and 44 do not have enough area of usable property to qualify for a building pad. Because of the extensive grading required for the roadway, staff recommends the developers be allowed to regrade these lot areas to establish usable building pads on the slopes over 30% grade,

subject to presentation of a grading plan to be reviewed and approved by the City Engineer;

5. A recommendation that the proposed drainage outlet piping be relocated in a more direct route along the floodway ravine and that the floodway be defined and graded with erosion controls through lots 9, 12, and 49. Lot 8 could then be divided into two usable lots;
6. A recommendation that the grading plan be submitted for the entire site showing the grading for the building pads on each lot, and confining the grading to the usable ground (30% or less) on each lot, except for lots 33, 34, and 44 outlined in Item #4. The grading plan should also include erosion control, retaining walls, and revegetation plans;
7. Lots 22, 23, 24, and 25 were developed by Bountiful City in 1978 under an agreement with Mr. Stahle to provide access to property to the east. Mr. Stahle agreed to pay for the improvement costs for these four lots before the subdivision was recorded. The fees totaling \$10,581.78 in 1978 were never paid and the subdivision was never recorded. The fees at today's prices are \$18,919.00 and are still due and payable to Bountiful City. It is recommended that lots 22, 23, 24, and 25 be approved as shown on the plat of 1978 (which does not meet the Foothill Ordinance on width and area), and that the fee of \$18,919.00 be paid to these four lots along with all other required subdivision fees before the final plats are recorded.

The Power Dept. is concerned about the location of the power substation which is very close to the back lot lines of this property. The City would like to purchase from the developer about 20-30 ft. of the back of lots 18, 19, and 20. They also need an easement between lots 17 and 18 for the overhead power line to serve this area.

Jeff Chretien made a motion to recommend conceptual and preliminary subdivision approval of the Stahle property located at 2500 South 900 East based on the recommendations of staff with the inclusion of #8, the purchase of the land behind lots 18, 19, and 20 for the power station buffer zone; seconded by Barbara Halt; Kathi Izatt opposed; the motion was approved by majority vote. (Mick Johnson rejoined the Planning Commission after the motion.)

4-5 94.9 Preliminary Subdivision Approval of the Johnson-Murray Subdivision, 5 Lots, at 250 North and Moss Hill Drive, Robert Johnson and Pepper Murray, Developers

This property is located in the foothill zone consisting of 8.2364 acres. The average slope of the property is 17%, requiring 16,000 sq. ft. minimum lot area and 100 ft. minimum lot width. All lots exceed the lot area and the width requirements. There are two accesses to this development, from 250 North and from Bountiful Boulevard. The improvements must be completed along Moss Hill Drive to Bountiful Boulevard. The sidewalk and curb and gutter should be completed along the east of lot 3; however, the roadway will not be improved or dedicated until the lots are improved to the east.

The street grade on 250 North is 14.396. This exceeds the 12% required by ordinance, however it is less than the 15.96 grade which the City Council may allow. Since there will be another available access from Bountiful Boulevard less than 12% grade, the exception should be granted.

Staff recommends conceptual and preliminary approval be granted subject to the following conditions:

1. Exception to the street grade be approved to 14.3% grade;
2. Walk and curb and gutter be required along the east she of lot 3;
3. Moss Hill Drive be dedicated and improved from 250 North to Bountiful Boulevard, including the dedication of a small triangular portion of Bountiful Boulevard;
4. The sidewalk along the east of Moss Hill Drive that will be dedicated, shall not be required by this developer. The city will require the sidewalk when the property to the east develops;
5. The city will provide for the drainage and curb returns on Bountiful Boulevard.

Mr. Johnson said he is concerned about a small piece of property owned by Ralph Keller. If Mr. Keller does not deed this over to them, he wanted to know what their options are. Mr. Bailing replied that the city has an irrigation easement and a culinary water easement in that area, and there is a right-of-way within that easement for utility purposes, for a roadway, etc. Mr. Balling said he thinks, under the law, we can utilize that for a road to maintain the utilities.

Jeff Chretien made a motion to recommend conceptual and preliminary subdivision approval for the 5 lot Johnson-Murray Subdivision at 250 North 1400 East subject to recommendations as outlined by staff, and granting the exception to the street grade to 14.3%,; seconded by Mick Johnson; motion was unanimously approved.

## SITE PLANS

4-5-94.10 Approval for a home to be built beyond 200 n. from the street at 2867 South Cove Lane, Monte Cassel, owner.

This is a flag lot that Mr. Cassel purchased after an agreement had been made between four property owners in this area to share a common easement for driveway purposes. The two front lots have been built on and are in the process of correcting a driveway put in at the wrong slope. Mr. Cassel would like a building permit to build his home beyond the 200 ft. lima. All of the requirements of Section 14-13-105E of the zoning ordinance must be met. Mr. Cassel's plan meets all the requirements except the turnaround. A 60 ft. hammerhead will meet this requirement and can be placed very easily on the plan. It will require the cooperation and Involvement of the property owner to the north, but he will be participating In the roadway and this should not pose any problem.

Staff recommends sending this to the City Council for approval with the following conditions:

1. All improvements be installed as shown and In conformance with Section 14-13-105E of the zoning ordinance;
2. A 60 ft. turnaround as shown in Figure 13-1 of the zoning ordinance be provided.

Mr. Balling stated that 4 of the 5 lots on this parcel of land had frontage on a street when a was approved, and can access from the streets. However, the access is inconvenient and that is why they want to use the flag lot stem. There is only one true flag lot that does not have frontage on a street, and that is Mr. Cassel's lot 11.

Mr. Gehring said that lots 13 and 10 both have adequate driveways so there would be no parking on this access. There will be signs posted up and down this drive that it is a fire access lane and there is no parking allowed as required by ordinance.

Mick Johnson made a motion to recommend to City Council, approval for a home to be built beyond 200 ft. from the street at 2867 South Cove Lane, subject to staff recommendations; seconded by Kathi Izatt; motion unanimously approved.

4-5-94.10 & 11 Preliminary and Final City Plan Approval for Bountiful Central Plaza II and III, 107 and 197 S. 500 W., Dee Erickson, Developer

In September, 1992, Mr. Erickson received site plan approval for remodeling the old Aamco Transmission building. He received conceptual approval only for a building pad to be developed in the future. He now has a building on that pad and needs to finalize that phase of his development. This is a traditional retail building without any drive-through as originally planned.

For Bountiful Central Plaza III, 197 South 500 West, Mr. Erickson has purchased the old home which was located between the Blimpie building and the animal hospital. It has been torn down and he is now planning on placing a retail building there to complete Bountiful Central Plaza. They meet all the requirements for landscaping, parking, and drainage of the parking area.

For both Bountiful Central Plaza II and III, staff recommends preliminary and final approval of the site plan with the following conditions for each:

1. 7 ft. easements granted across the front and back property lines together with any easements which may be required by power and telephone;
2. Plans for storm detention along with design and calculations need to be submitted and reviewed before this will be placed on a City Council agenda;
3. Building plans and elevations to be submitted and reviewed prior to the plan being submitted to City Council.

Two additional conditions were added at the meeting:

4. The complete plans be reviewed by the Building Dept. for compliance with the building code;
5. Payment of the fees and posting of the bonds.

Don Milligan made a motion to recommend preliminary and final site plan approval for Bountiful Central Plaza II and III at 107 and 197 South 500 West subject to the five conditions outlined above; Jeff Chretien seconded the motion and it was unanimously approved.

4-5-94.13 Preliminary and Final Site Plan Approval and Preliminary Subdivision Approval for Lakeview Medical Center Office Building at 520 East Medical Drive

The two story building will be located on property that is vacant and west of the hospital. It is to be divided from the hospital property and must be approved as a subdivision of property. The

plans are complete and meet all requirements of the city. Staff recommends preliminary and final site plan approval subject to the following:

1. Payment of water development fees in the amount of \$15,525.00 for 1035 ft. of water line extension from 500 South Street;
2. Payment of a 3 inch water meter in the amount of \$11,146.50;
3. Payment of a sewer connection fee to be determined at the issuance of the building permit;
4. Payment of a storm detention fee In the amount of \$4,788.00;
5. Provide the following utility easements to Bountiful City:
  - A. Creek drainage easement;
  - B. Water line easement;
  - C. A 7 ft. wide utility easement along the north and west property lines;
6. The final checking of the construction drawings and payment of required building fees and bonds;
7. Posting a Letter of Credit to guarantee the completion of the site improvements in the amount of 5% of the building valuations
8. All other items to meet the city ordinances as follows:
  - A. Landscaping shown in 20% of area which exceeds the required 10%;
  - B. Storm sewer meets all engineering standards;
  - C. Parking shows 190 new stalls, 137 is required.

Dick Drescher made a motion to grant preliminary and final site plan approve and preliminary subdivision approval for the Lakeview Medical Center with the recommendations from staff; Barbara Holt seconded the motion; motion unanimously approved.

## ZONING ORDINANCE REQUIREMENTS

4-5-94.14 Request to reduce the 30 ft. front yard setback in single family residential zones to allow for extension and modernization of existing homes, David Coons, applicant.

Mr. Coons would like the city to amend the 30 ft. front yard requirement to enable homeowners to extend the front line of their homes through remodeling and to accommodate a newer width brick now being produced. He would like the extension allowed to the existing eaves of the house, but has not designated a setback in terms of footage.

He wishes to add on to the front of his home but cannot without a variance from the Board of Adjustment or a change in the ordinance. His situation is like many others in the city, so there are no unique circumstances associated with his lot as required by law. A variance should not be granted, and the only other option is to change the ordinance.

Mr. Gehring researched the 30 ft. front yard setback and found that as far back as 1947, the standard front yard setback for homes in Bountiful was 30 ft. He does not support a change that would define the front yard setback to the existing eaves of a house.. That would vary from house to house and would provide no standard of definition. A standard has long been established for a 30 ft. front yard setback in Bountiful and should not be changed. He recommends sending this



amendment request to the City Council with an unfavorable recommendation.

Mr. Coons addressed the Planning Commission with his desire to be able to extend and modernize the look of his home to fall in line with newer homes being built In the foothills of Bountiful. He feels the city needs to be updated.

Dick Dresher said the ordinance allows projections into front and rear yards not more than 4 ft., and not more than 2 ft. in side yards. This would enable Mr. Coons to add some features to the front of his home in compliance with the ordinance but would not allow an increase in the size of the home. Mr. Coons saw this would not help him because he wants to enlarge the garage by coming 3 ft. forward.

Jeff Chretien made a motion that the Planning Commission make an unfavorable recommendation to the City Council regarding this request for a zoning ordinance amendment. Don Milligan seconded the motion; voting was unanimous.

Meeting adjourned at 9:45 PM.